

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

BRIAN WHITAKER,  
Plaintiff,

v.

JOHN J. SUSA, et al.,  
Defendants.

Case No. 21-cv-06402-SK

**SECOND ORDER TO SHOW CAUSE**

Regarding Docket No. 14

On April 25, 2022, the Court issued an Order to Show Cause requiring Plaintiff to respond in writing no later than May 6, 2022, indicating why this case should not be dismissed for failure to prosecute after sitting inactive on the Court's docket for 171 days. (Dkt. No. 14.) The deadline to respond to the Order to Show Cause has long passed, and Plaintiff has filed no response. On June 13, 2022, and June 21, 2022 rather than filing a response to the Order to Show Cause, Plaintiff's counsel filed notices of withdrawal for two attorneys *who were never on record for this case*. (Dkt. Nos. 15, 16.)

The Court notes that it has repeatedly issued Orders to Show Cause to Plaintiff's Counsel's law firm, Center for Disability Access, based on Counsel's failure to diligently prosecute. The Court has also repeatedly sanctioned attorneys at the Center for Disability Access and referred two individual attorneys with the Center for Disability Access to the Northern District of California's Standing Committee on Professional Conduct. Despite repeated apologies and promises to calendar deadlines, the Court notes that attorneys with the Center for Disability Access continue to fail to diligently prosecute their cases. The Court has a full case load and does not have the time to manage this case for Plaintiff. It is Plaintiff's Counsel's responsibility to proceed diligently.

Accordingly, Plaintiff is HEREBY ORDERED to Show Cause in writing by no later than July 13, 2022, why this case should not be dismissed for failure to prosecute pursuant to Federal

1 Rule of Civil Procedure 41(b) and why Counsel should not be personally sanctioned in the amount  
2 of \$1,000 for failure to respond to the Court's first Order to Show Cause. Additionally, Plaintiff is  
3 admonished that, if he fails to file a response to this Order to Show Cause by July 13, 2022, the  
4 Court will reassign this matter and issue a report and recommendation that this matter be  
5 dismissed for failure to prosecute and will sanction Plaintiff's Counsel without any further notice.

6 **IT IS SO ORDERED.**

7 Dated: July 13, 2022



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9 SALLIE KIM  
United States Magistrate Judge  
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